IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL
ORIGINAL JURISDICTION
Dated Nainital the 3rd April 2006
Bail Application No. 186 of 2006

Order on the ail application of the accused.

CRIMINAL SIDE

Shugan Chan
S/o Sri Mange Ram
R/o Village Dhariwala
Police Station-Pathri
District-Haridwar ….Applicant

Versus

State of Uttaranchal ….. Opposite party

In Case Crime No. 63 of 2005
U/s 302 I.P.C.
Police Station-Pathir
District-Haridwar

Hon'ble J.C.S. Rawat, J.

Heard Sri Pankaj Miglani-learned counsel for the applicant, learned AGA for the State and perused the record.

The incident took place on 19.08.2005 and the report was lodged on the same day. The accused-applicant was not nominated in the F.I.R. It was alleged that Mr. Som Nath alongwith two other persons caused the injuries by the butt of the fire arm to the deceased. It was also alleged that Mr. Som Nath fired upon the deceased and the pallet hit on his stomach and simultaneously the decease succumbed to the injuries. The accused-applicant is happen to be the father of Mr. Som Nath was not given at the time of lodging of F.I.R. It was further contended that the father of the Som Nath also resides in the village and if the applicant was involved in the offence his name would have been given by the informant. It was also alleged that Prem Chand, the son of the deceased, who has seen the incident was also coming with the Satish. It was contended that in case, he would have recognized hims, he would have informed it to the reporter at that time and the anem of the applicant would have been nominated in the F.I.R. it was further contended that injuries on the person of the deceased was found to incised wounds and incised wounds could not have been cause by the butt of the fire arm.

Considering the facts and circumstance of the case in totality, it is a fit case for bail at this stage.

Let the accused-applicant, Shugan Chand be released on bail on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the CJM concerned.

(J.C.S. Rawat, J.)

Dated 03.04.2006
Shiv